

ENVIRONMENTAL QUALITY

CHAPTER 50

SOLID WASTE MANAGEMENT

Sub-Chapter 8

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Sub-Chapter 8

Cesspool, Septic Tank and Privy Cleaners

17.50.801 PURPOSE (1) The purpose of this subchapter is to provide standards for the licensure of cesspool, septic tank and privy cleaning businesses and to establish uniform requirements for the disposal of septage, grease trap waste, privy waste, car wash sump waste, and other similar wastes. These similar wastes include, but are not limited to, other primarily liquid wastes such as food processing wastes, septic tank pumpings that contain commercial and industrial wastewater, and snow melt sump wastewater, that can be applied to the land for a beneficial purpose. Regulated hazardous wastes are not covered under this rule. Rules on the management of hazardous wastes are found in ARM Title 17, chapter 53.

(2) Wastes must be managed in a manner that is protective of human health and the environment.

(3) A person may not place wastes on or into private or public property without the express permission of the land owner, facility operator, or the designated representative of the owner or operator. (History: 37-41-103, 75-10-1202, MCA; IMP, Title 37, chapter 41, 75-10-1202, MCA; NEW, 1984 MAR p. 258, Eff. 1/27/84; TRANS, from DHES, 1995 MAR p. 2253; AMD, 2001 MAR p. 848, Eff. 5/25/01.)

17.50.802 DEFINITIONS In addition to the definitions in 75-10-1202, MCA, the following definitions apply in this subchapter:

(1) "Agricultural land" means land on which a food crop, a feed crop, or a fiber crop is grown. This includes range land and land used as pasture.

(2) "Agronomic rate" means the whole septage application rate (dry rate basis) designed to:

(a) provide the amount of nitrogen needed by the food crop, feed crop, cover crop, or vegetation grown on the land; and

(b) minimize the amount of nitrogen in the septage that passes below the root zone of the crop or vegetation grown on the land to the ground water.

(3) "Applied to the land surface" means the uniform application of liquid or semi-liquid waste material at a rate closely approximating that which will result in maximum benefit to the crop or vegetative cover in the field, without ponding, runoff, or leaching.

(4) "Attended car wash bay" means a place for washing trucks or automobiles that has an attendant on site while open to the public.

(5) "Automatic car wash bay" means a place for washing trucks or automobiles that has machinery designed to do the washing without allowing access to the bay during the process.

(6) "Bulk septage" means septage that is not sold or given away in a bag or other container for application to the land.

(7) "Car wash sump" means an interceptor or settling device, designed to be emptied by mechanical means, located below the normal grade of a wastewater gravity system used to precipitate mud from wastewater at a car wash, garage, or vehicle maintenance facility before the water enters an oil/water interceptor, a sanitary sewer or individual wastewater treatment system. Oil/water interceptors are not car wash sumps.

(8) "Cesspool" means a seepage pit without a septic tank to pretreat the wastewater.

(9) "Control of public access" means reasonable precautions to prevent exposure of humans to pathogenic materials. This does not mean that all entry must be precluded.

(10) "Dewatered" means waste that passes the Paint Filter Liquids Test (Method 9095 in Manual SW-846, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA (Update IIIA)).

(11) "Feed crops" means crops produced primarily for animals.

(12) "Fiber crops" means non-edible crops such as flax and cotton raised for fiber.

(13) "Food crops" means crops consumed by humans. These include, but are not limited to, fruits, vegetables, grains and tobacco.

(14) "Forest" means a tract of land with trees and underbrush.

(15) "Grease interceptor" means an interceptor of at least 750-gallon (2839 L) capacity that serves one or more fixtures and is remotely located from the fixtures.

(16) "Grease trap" means a device designed to retain grease from one to four fixtures.

(17) "Grease trap waste" means the water, solids, and semi-solid material removed from a grease trap or grease interceptor designed to remove cooking grease from home or restaurant wastewater in a sewer system. It does not include oil/water separator wastes at industrial facilities.

(18) "Gray water" means any wastewater other than toilet wastes or industrial chemicals, and includes, but is not limited to, shower and bath wastewater, kitchen wastewater, and laundry wastewater. It may not contain listed hazardous wastes or hazardous substances above regulatory thresholds.

(19) "Holding tank" means a watertight receptacle that receives wastewater for retention and does not as part of its normal operation dispose of or treat wastewater.

(20) "Incorporated into the soil" means the injection of waste beneath the surface of the soil or the mixing of waste with the surface soil by plow, disk harrow, spring harrow, tiller, or other department-approved method.

(21) "Interceptor" or "clarifier" means a device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes and permit discharge of normal sewage or liquid wastes into the disposal terminal by gravity.

(22) "Land with a high potential for public exposure" means land that the public uses frequently. This includes, but is not limited to, public contact sites and reclamation sites located in populated areas (e.g., a construction site located in a city).

(23) "Land with a low potential for public exposure" is land that the public uses infrequently. This includes, but is not limited to, agricultural land, forest, and reclamation sites located in unpopulated areas (e.g., a strip mine located in a rural area).

(24) "Pasture land" means land on which animals feed directly on feed crops such as legumes, grasses, grain stubble, or stover (fodder).

(25) "Pathogen" means a disease-causing organism. This includes, but is not limited to, certain bacteria, protozoa, viruses, and viable helminth ova.

(26) "Portable toilet" means a sealed pit privy designed to be readily transportable.

(27) "Privy" means a covered or uncovered facility for placement of non-water-carried toilet wastes where the wastes are discharged directly into a seepage pit without treatment in a septic tank or are discharged into a watertight vault.

(28) "Public contact site" means land with a high potential for contact by the public. This includes, but is not limited to, public parks, cemeteries, plant nurseries, turf farms, and golf courses.

(29) "Pumpings" means the materials, liquid and solid, removed from a cesspool, septic tank, privy, portable toilet, grease trap, or car wash (or similar) sump that may be land applied for a beneficial purpose. The term also includes other primarily liquid wastes that may be land applied for a beneficial purpose. These include, but are not limited to, wastes from food processing operations, septage that contains commercial and industrial wastewater, and wastes from snow melt wastewater sumps. The term does not include commercial or industrial wastes that contain listed hazardous wastes or hazardous substances above regulatory thresholds.

(30) "Range land" means open land with indigenous vegetation.

(31) "Reclamation site" means drastically disturbed land that is being reclaimed. This may include, but is not limited to, strip mines and construction sites.

(32) "Sealed pit privy" means an enclosed receptacle designed to receive non-water-carried toilet wastes into a watertight vault.

(33) "Septic tank" means a watertight tank that receives and partially treats sewage through the process of sedimentation, oxidation, floatation, and bacterial action so as to separate solids from the liquid in the sewage, and then discharges the liquid to further treatment.

(34) "Sewage sludge" means the solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works.

(a) Sewage sludge includes, but is not limited to:

(i) domestic septage;

(ii) scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and

(iii) material derived from sewage sludge.

(b) Sewage sludge does not include ash generated during firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

(35) "Unattended car wash bay" means a place for washing cars or trucks that is not an automatic car wash bay and does not have continuous supervision while open to the public.

(36) "Vector" means any rodent, insect, or other organism, capable of transmitting disease to humans.

(37) "Vector attraction" means the characteristic of sewage sludge and other pumpings that attracts rodents, flies, mosquitoes, or other organisms capable of transporting infectious agents.

(38) "Vessel pumpout facility" means a facility designed to receive wastes from marine sanitation devices, as defined in 23-2-522(3)(a), MCA. (History: 75-10-1202, MCA; IMP, 75-10-1201, 75-10-1202, MCA; NEW, 1984 MAR p. 258, Eff. 1/27/84; TRANS, from DHES, 1995 MAR p. 2253; AMD, 2001 MAR p. 848, Eff. 5/25/01; AMD, 2004 MAR p. 2383, Eff. 10/8/04.)

17.50.803 LICENSURE, LICENSE APPLICATION, ANNUAL RENEWAL

(1) Except as provided in 75-10-1210, MCA, a person may not engage in the business of cleaning cesspools, septic tanks, portable toilets, privies, grease traps, car wash sumps, or similar treatment works, or disposal of septage and other wastes from these devices, unless licensed by the department. A person wishing to engage in any of these businesses shall submit an application for a license to the department on a form provided by the department. A person wishing to renew a license shall do so on the form provided by the department. The following information, if applicable, must be provided:

(a) the full legal name of the licensee or applicant, the organization name or assumed business name, as filed or registered with the secretary of state, the federal tax identification number, and physical business address of the applicant;

(b) the mailing address of the applicant, if different from the physical address;

(c) a list of all counties in which business is to be conducted;

(d) a list of all disposal sites, not exempted under 75-10-1210(2), MCA, that the applicant proposes to use;

(e) the estimated volume of septage and other wastes to be disposed of at each disposal site annually;

(f) the amount and kinds of pumpings applied to each site in the previous calendar year;

(g) the location of the records required in ARM 17.50.813; and

(h) a certification by the local health officer or the local health officer's designated representative in the county where the business is located that:

(i) each vehicle used for surface application of septage is equipped with spreading equipment that complies with ARM 17.50.811; and

(ii) if, pursuant to ARM 17.50.811, the department has required the licensee or applicant to screen septage before applying it to land, that the licensee or applicant has screening equipment or a device that complies with ARM 17.50.811.

(2) Before a licensee places a new vehicle in service, the licensee shall have the vehicle inspected by the local health officer or the local health officer's designated representative, either in person or, if the vehicle is readily identifiable in a photograph, by submission of a photograph. The licensee shall provide the department with the certification required in (1)(h).

(3) Only one certification required in (1) must be submitted to the department during the service life of a vehicle, screening equipment, or device.

(4) To obtain the certification of screening equipment or a device that is at a fixed location, a licensee may either:

(a) request the local health officer or designated representative, or the department, to inspect it at the fixed location; or

(b) if the location is readily identifiable in a photograph, submit a photograph of the equipment or device to the local health officer or designated representative.

(5) For each disposal site proposed for use by the applicant or licensee that must be listed under the requirements of 75-10-1212(2)(d), MCA, including land application sites, wastewater treatment facilities, and solid waste management systems, and that is not exempt under 75-10-1210(2), MCA, the applicant or licensee shall submit the following information, if applicable, on a form approved by the department:

(a) the full legal name of the owner of the property, the organization name or assumed business name, as filed or registered with the secretary of state, and federal tax identification number, if available;

(b) the street address or directions to the site;

- (c) the location of the property by township, range, section, and quarter section(s) or the latitude and longitude of the property in degrees, minutes and seconds;
- (d) the type of vegetation on the land application area (i.e., fallow land, pasture, range, forest) and the nitrogen requirements for the vegetation;
- (e) the estimated depth to seasonally high ground water at the land application site, and the basis for the estimates;
- (f) a statement of the general soil type (example: clay, gravel, sandy loam) at each land application site;
- (g) the approximate slope of the application area;
- (h) the distance to surface water and ephemeral or intermittent drainages;
- (i) the acreage available for land application;
- (j) the volume of material to be placed annually on the site;
- (k) the present uses of lands adjacent to each land application site;
- (l) the zoning classification, if any, for each land application site and the allowed uses for the classification;
- (m) a proposed disposal operation and maintenance plan for each land application site including provisions for access control, if necessary, and the types and sources of wastes to be managed on the site. The operation and maintenance plan must include a description of the vector attraction reduction and pathogen reduction methods proposed for use on the site and a listing of equipment available for managing each type of waste. At the request of the local health officer or designated representative of the county where a land application site is located, the department shall mail a copy of the operation and maintenance plan to that person;
- (n) certification by a local health officer or the local health officer's designated representative that the proposed land application site meets all applicable state and local requirements;
- (o) the signature of the land owner, facility operator, or designated representative of the owner or operator, granting permission to use the site for land application, disposal, or treatment;
- (p) a sketch or map showing the area available for land application after setback requirements are met, and the distance from the area to neighboring houses; and
- (q) for land application sites, a certification by the landowner, facility manager, or authorized representative of the landowner, that the person making the certification is aware that:

(i) the use of the site or crops from the site may be restricted under the requirements of ARM 17.50.811;

(ii) the land application rate is limited by the rate at which septage may be land-applied as specified in ARM 17.50.809(12) and 17.50.816(6);

(iii) the operational practices for pathogen and vector attraction reduction in ARM 17.50.811 must be followed; and

(iv) the department, local health officer, or the local health officer's designated representative may inspect, and the landowner is required to allow inspection of, the land application site as provided in ARM 17.50.812.

(6) During the term of a license, the licensee may, after fulfilling the requirements of (5), add new disposal sites to the service area with the written approval of the department.

(7) An applicant shall pay the license or renewal fee required under 75-10-1212, MCA, to the department at the time the applicant submits the license or renewal application to the department. A license may not be issued or renewed prior to payment of the appropriate fee.

(8) The department shall mail to each license holder an annual renewal form by November 15 of each calendar year. The renewal form must provide for the submission of information required in (1).

(9) The department shall mail to each county health officer or designated representative by February 15 of each calendar year a list of license holders operating in that county who have renewed their licenses by January 31 of that year. The list must include the renewed and added disposal locations for each license holder operating in the county.

(10) The department shall, within five days after receiving a renewal form and applicable fees, notify the county health officer or designated representative of license holders who renew their licenses after January 31 of the year after the license expires.

(11) A person who renews a license after April 1 of the year after the license expires shall pay the late fee required under 75-10-1212, MCA.

(12) A person may not renew a license after December 31 of the year after the license expires. A person desiring to operate a business, or dispose of wastes, regulated under this subchapter after December 31 of the year after the license expires shall submit a new application, along with the application fee, to the department.

(13) A person who operates a business, or disposes of wastes, regulated under this subchapter after the person's license has expired and prior to renewing the person's license and paying the required fees is subject to the enforcement provisions of 75-10-1220, 75-10-1221, 75-10-1222, and 75-10-1223, MCA. (History: 75-10-1202, MCA; IMP, 75-10-1202, 75-10-1211, 75-10-1212, MCA; NEW, 2001 MAR p. 848, Eff. 5/25/01; AMD, 2004 MAR p. 2914, Eff. 10/8/04.)

Rule 17.50.804 reserved

17.50.805 LICENSURE; DURATION OF LICENSE; FEES IS REPEALED (History: 37-41-103, MCA; IMP, 37-41-201, 37-41-202, MCA; NEW, 1984 MAR p. 258, Eff. 1/27/84; TRANS, from DHES, 1995 MAR p. 2253; REP, 2001 MAR p. 848, Eff. 5/25/01.)

17.50.806 PROCESSING OF LICENSE APPLICATIONS (1) The department shall review each submitted application for a new or renewed license to ensure that it is complete. If additional information is required, the department shall notify the applicant in writing within 30 days after the department receives the application and shall postpone processing the application until the additional information is received and the application is complete. If the department does not receive additional information within 90 days after requesting it from the applicant, it may require a new application.

(2) The department shall review the completed application and relevant information and make a decision whether to issue, deny, or renew a license based on the applicant's apparent ability to comply with the requirements of Title 75, chapter 10, part 12, MCA, and this subchapter.

(3) The department's decision to grant or renew a license may include such special conditions as are considered necessary to protect public health and the environment and avoid public nuisances.

(4) Within five days after receiving a completed application for a license, the department shall notify the local health officer or designated representative of each county in which the applicant proposes to do business. To allow the local health officer or designated representative an opportunity to review and comment on an application, the department may not issue a license until 14 days after notifying the local health officer or designated representative.

(5) The department shall issue a license within 30 days after the decision to approve the license. (History: 37-41-103, 75-10-1202, MCA; IMP, 37-41-201, 37-41-202, 37-41-211, 75-10-1202, 75-10-1210, 75-10-1212, 75-10-1221, MCA; NEW, 1984 MAR p. 258, Eff. 1/27/84; TRANS, from DHES, 1995 MAR p. 2253; AMD, 2001 MAR p. 848, Eff. 5/25/01.)

17.50.807 INSPECTIONS AND ENFORCEMENT IS REPEALED (History: 37-41-103, MCA; IMP, 37-41-212, MCA; NEW, 1984 MAR p. 258, Eff. 1/27/84; TRANS, from DHES, 1995 MAR p. 2253; REP, 2001 MAR p. 848, Eff. 5/25/01.)

17.50.808 OPERATION AND MAINTENANCE REQUIREMENTS IS REPEALED (History: 37-41-103, 75-10-204, MCA; IMP, 37-41-103, 75-10-204, MCA; NEW, 1984 MAR p. 258, Eff. 1/27/84; TRANS, from DHES, 1995 MAR p. 2253; REP, 2001 MAR p. 848, Eff. 5/25/01.)

17.50.809 SPECIFIC SITE CRITERIA (1) A person may not apply pumpings to land within 500 feet of any occupied or inhabitable building.

(2) A person may not apply pumpings to land within 150 feet of any state surface water, including ephemeral or intermittent drainages and wetlands. The department or local health officer or the health officer's designated representative may require greater distances where slopes or other factors may increase the likelihood of runoff from the land application area.

(3) A person may not apply pumpings to land within 100 feet of any state, federal, county or city maintained highway or road.

(4) A person may not apply pumpings to land within 100 feet of a drinking water supply source. The department or local health officer or the health officer's representative may require greater distance where site conditions might increase the likelihood of contamination of a drinking water source.

(5) Topographical slopes on fields must be taken into account when a person is selecting land application areas. A person may not apply pumpings where ponding or runoff of septage is likely to occur.

(6) A person may not apply pumpings to land with slopes greater than 6%.

(7) A person may not apply pumpings to land through subsurface injection on slopes greater than 12%.

(8) Pumpings may be applied to the land surface only where at least six feet separate the land surface from seasonally high ground water. The department or local health officer or the health officer's designated representative may require greater separation where soil types or specific application processes might increase the likelihood of ground water contamination.

(9) A person may not apply any pumpings to land before that person obtains the express written permission of the land owner or the land owner's designated representative. If land is leased from a tribe or governmental agency, permission of the tribe or agency must be obtained before pumpings may be applied to the land. Permission must be provided on the form submitted to the department as part of the application process, or on the department-authorized form for additional site location. If the pumpings are to be applied to land owned by the owner of the land on which they were generated, the pumper shall keep a permission slip or signed receipt as specified in ARM 17.50.813.

(10) A pumper shall control litter at land application sites as necessary to prevent its spread to adjoining properties. Litter must be removed from a land application site within six hours after application.

(11) A person may not apply bulk septage or other pumpings to agricultural land, forest land, pasture land, or range land at a rate greater than the agronomic rate of the site for nitrogen on an annual basis.

(12) The annual application rate (AAR) for bulk septage, in gallons/acre/year, is determined by the formula $AAR = N / 0.0026$, where N equals the amount of nitrogen, in pounds per acre per 365-day period, needed by the crop or vegetation grown on the land.

(13) A person may not apply bulk septage at a reclamation site in excess of the agronomic rate unless the person first obtains site-specific approval from the department.

(14) A person may not apply pumpings to land where a threatened or endangered species or its designated critical habitat is likely to be adversely affected.

(15) The local health officer or the local health officer's designated representative may reject sites for public health or public nuisance problems or for proximity to public water supplies, but in no case may a site be within 500 feet of an occupied or inhabitable building or within 100 feet of a drinking water source.

(16) The local health officer or the local health officer's designated representative may withdraw approval of previously approved sites if:

(a) the site has not been properly managed for vectors or litter;

(b) waste has been applied in excess of the agronomic rate or improperly applied;

(c) the minimum separation distances as required in this rule are not being met; or

(d) the site is in proximity to new public water supplies.

(History: 75-10-1202, MCA; IMP, 75-10-1202, MCA; NEW, 1984 MAR p. 258, Eff. 1/27/84; TRANS, from DHES, 1995 MAR p. 2253; AMD, 2001 MAR p. 848, Eff. 5/25/01; AMD, 2004 MAR p. 2383, Eff. 10/8/04.)

17.50.810 SPECIAL CONDITIONS (1) A person may not apply pumpings to flooded, frozen, or snow covered ground if the pumpings may enter state waters.

(2) A person may apply routine maintenance pumpings or emergency pumpings including, but not limited to, pumpings required due to septic system freeze-ups, overflows, flooding, or failures, to frozen or snow covered ground, only if no other reasonable treatment method is available. Reasonable treatment method options include hauling the waste to a waste water treatment plant or a septage storage, treatment, or dewatering facility that will accept the waste and that is within 25 miles of the point of generation.

(3) Subject to the restrictions in (1) and (2) and the requirements of ARM 17.50.809(1), (3) and (4), a person may apply pumpings to frozen or snow covered ground only if:

(a) sites or fields used have a slope of less than or equal to 3%;

(b) the land is not within a 100-year floodplain;

(c) bulk septage, and wastes subject to ARM 17.50.816, have undergone treatment by the vector reduction technique specified in ARM 17.50.811(3)(c) or, if not alkali stabilized, are incorporated into the soil as soon as the weather permits. Grease trap wastes must be incorporated into the soil as soon as the weather permits. Alkali stabilization of septage and wastes subject to ARM 17.50.816 is required unless the owner or the owner's authorized representative is unwilling to accept pH-stabilized wastes. If the wastes are not alkali stabilized, the pumper shall keep the signed written statement of objection to the alkali-stabilization from the owner or authorized representative on file in conformance with ARM 17.50.813. Site restrictions found in ARM 17.50.811(4) and (5) start from the time of alkali stabilization or the date of incorporation, if not alkali-stabilized.

(4) If mechanical dewatering of septage is required, dewatering must be performed on the property from which the waste is to be removed, at a land application site approved in conformance with this subchapter, at a licensed solid waste management system, or at a permitted waste water treatment plant.

(5) Water removed from septage through a dewatering process is subject to septage disposal requirements. It may be:

(a) land applied as permitted under this subchapter for septage;

(b) discharged to a permitted wastewater treatment facility;

(c) discharged to an engineered commercial septic system; or

(d) replaced in the individual septic system of origin.

(6) A person shall apply dewatered solids to land in conformance with this subchapter or compost or dispose of them in a licensed solid waste management system.

(7) Gray water may be land-applied at approved sites without vector or pathogen reduction only if it will not pollute state waters.

(8) A person using a truck to carry potable water and pumpings shall use separate tanks with no common wall for pumpings and potable water and shall comply with ARM Title 17, chapter 38, subchapter 5, which regulates water haulers.

(9) The department may, in individual cases, place more or less restrictive criteria on septage treatment processes and individual land application and disposal sites, taking into account proximity to population centers, volume of septage or other pumpings, soil types, protection of human health and the environment, and the avoidance of public nuisances.

(10) Mixed loads of different types of pumpings must be handled with all appropriate restrictions applicable to the individual components. (History: 37-41-103, 75-10-204, 75-10-1202, MCA; IMP, 37-41-103, 75-10-204, 75-10-1202, MCA; NEW, 1984 MAR p. 258, Eff. 1/27/84; TRANS, from DHES, 1995 MAR p. 2253; AMD, 2001 MAR p. 848, Eff. 5/25/01.)

17.50.811 OPERATION AND MAINTENANCE REQUIREMENTS FOR LAND APPLICATION OR INCORPORATION OF SEPTAGE

(1) A person may not apply septage to public contact sites or home lawns or gardens.

(2) Bulk materials derived from septage, or materials derived from septage sold or given away in a bag or other container, may not be applied to public contact sites or home lawns or gardens unless the materials to be applied satisfy the pollutant concentration requirements in 40 CFR 503.13(b)(3), the Class A pathogen requirements in 40 CFR 503.32(a), and at least one of the vector attraction reduction requirements in 40 CFR 503.33(b)(1) through (b)(8).

(3) A person may apply septage, bulk materials derived from septage not meeting the requirements of (2), or materials derived from septage sold or given away in a bag or other container not meeting the requirements of (2) only to agricultural land, forest land, or reclamation sites, and only if the person first performs one of the following vector attraction and pathogen reduction methods:

(a) injection below the surface of the land so no significant amount remains on the land surface within one hour after injection;

(b) incorporation into the soil surface plow layer within six hours after the application;

(c) addition of alkali material so that the pH is raised to and remains at 12 or higher for a period of at least 30 minutes; or

(d) management as required by ARM 17.50.810 when the ground is frozen.

(4) A person may apply septage, bulk materials derived from septage not meeting the requirements of (2), or materials derived from septage sold or given away in a bag or other container that do not meet the requirements of (2) only if the use of the site is restricted so that:

(a) food crops with harvested parts that touch the septage/soil mixture and are totally above the land surface are not harvested for 14 months after application;

(b) food crops with harvested parts below the surface of the land are not harvested for 20 months after application of material if the material remains on the land surface for four months or longer prior to incorporation into the soil;

(c) food crops with harvested parts below the surface of the land are not harvested for 38 months after application of material if the material remains on the land surface for less than four months prior to incorporation into the soil; and

(d) other food crops, feed crops, and fiber crops are not harvested for 30 days after application.

(5) The following additional restrictions apply if septage, bulk materials derived from septage not meeting the requirements of (2), or materials derived from septage sold or given away in a bag or other container that do not meet the requirements of (2) are applied to land and have not been treated with alkali as in (3)(c):

(a) animals may not be permitted to graze on the land for 30 days after application of the material;

(b) turf grown on the land may not be harvested for one year after application of the material if the harvested turf is to be placed on land with a high potential for public exposure or on a lawn, unless otherwise specifically authorized by the department;

(c) public access to land with high potential for public exposure must be restricted for one year after application; and

(d) public access to land with a low potential for public exposure must be restricted for 30 days after application.

(6) Septage and material derived from septage may be disposed of in a Class II disposal unit licensed by the department pursuant to ARM Title 17, chapter 50, subchapter 5, if it first has been dewatered so it is no longer a bulk liquid.

(7) Septage may be placed in an active sewage sludge management unit at a permitted wastewater treatment facility only if the facility is designed and operated to handle septage in a manner protective of human health and the environment and in conformance with Circular DEQ 2, Design Standards for Wastewater Facilities.

(8) A person may not dispose of septage or material derived from septage other than by landfilling or composting at a licensed solid waste management facility, in conformance with the requirements of this rule, or in a permitted treatment works, unless the licensee or applicant has first applied in writing and obtained the department's written determination that the proposed disposal methods are at least as protective of human health and the environment as the methods permitted under this subchapter.

(9) A person required by this rule to screen septage prior to application to land shall first screen the septage with a screen having a maximum opening width of three-quarters of an inch to remove non-putrescible wastes and shall dispose of the non-putrescible wastes in a Class II solid waste management facility licensed in accordance with 75-10-221, MCA. Screening is not required during the months of December, January, or February, but non-putrescible wastes must be removed from the land application site within one week after the snow melts.

(10) A person applying septage to land shall apply it with a spreader bar, splash plate, or other dispersive mechanism approved by the department.

(11) If the department determines that a licensee's litter control has been inadequate, it may require that a licensee screen septage prior to future land applications. The department may also take any other action provided by law or rule. (History: 75-10-204, 75-10-1202, MCA; IMP, 75-10-204, 75-10-1202, MCA; NEW, 2001 MAR p. 848, Eff. 5/25/01; AMD, 2004 MAR p. 2383, Eff. 10/8/04.)

17.50.812 INSPECTIONS AND ENFORCEMENT (1) The department and local health officers or local designated health representatives may conduct inspections of proposed disposal facilities for septage and other wastes regulated under this subchapter. Upon request, an inspector shall present credentials.

(2) The department and local health officer or the local health officer's designated representative may inspect disposal sites and appropriate records to determine if a violation of Title 75, chapter 10, part 12, MCA, or this subchapter is occurring or has occurred.

(3) Applicants, licensees and owners of disposal sites shall allow inspections conducted under this rule. (History: 75-10-204, 75-10-205, 75-10-1222, MCA; IMP, 75-10-204, 75-10-1211, 75-10-1220, 75-10-1222, MCA; NEW, 2001 MAR p. 848, Eff. 5/25/01; AMD, 2004 MAR p. 2383, Eff. 10/8/04.)

17.50.813 RECORDKEEPING REQUIREMENTS (1) A licensee shall maintain the following records with the following information at the place of business indicated on the license application or other department-approved location:

- (a) type of material deposited at each disposal location;
- (b) location of each disposal site, by street address, latitude and longitude, or township, range, section and quarter section;
- (c) volume of each material deposited at each site, such as septage, grease trap wastes, sump pumpings, and wastes subject to ARM 17.50.816;
- (d) number of acres to which pumpings are applied;
- (e) date and time of each application;
- (f) nitrogen requirement for the crop or other vegetation grown on each site;
- (g) rate at which the different kinds of pumpings are deposited at each site in gallons per acre during a year;
- (h) vector attraction and pathogen reduction method used for each volume of pumpings applied;
- (i) pH of the material 30 minutes after alkali addition, if that method is chosen for pathogen and vector attraction reduction; and
- (j) records of land owner objections to application of alkali-stabilized septage.

(2) Licensees shall retain disposal and land application records for five years.

(3) A licensee shall submit a summary of the records required in (1) to the department on the following schedule:

- (a) for the period of January 1 through June 30, by July 15;

(b) for the period of July 1 through December 31, with the annual license renewal. (History: 75-10-1202, MCA; IMP, 75-10-1202, MCA; NEW, 2001 MAR p. 848, Eff. 5/25/01; AMD, 2004 MAR p. 2383, Eff. 10/8/04.)

17.50.814 CAR WASH SUMPS AND OTHER SUMP WASTES (1) A person may not remove or dispose of waste from a car wash sump or other sump unless the person is licensed by the department or is an owner, operator, or employee of the facility. The use of contract labor is prohibited unless the person performing the labor is licensed under this subchapter.

(2) A person may not use rental equipment to pump a car wash sump or other sump unless the person is licensed by the department or is the owner, operator, or employee of the facility.

(3) A person may not pump or dispose of wastes from any type of sump other than a car wash sump unless the person has first applied to the department and received its approval. On receipt of such an application, the department shall conduct a case-by-case evaluation to determine acceptable waste management strategies. The department shall consider the source of the waste and the possible constituents when making the determination.

(4) Waste from an automatic car wash bay sump may be used as clean fill or, if dewatered, as cover at landfills.

(5) Sump pumpings from attended car wash bays that prohibit the use of chlorinated solvents and are free from visible oil and grease may, if the owner provides the pumper with a written statement that the material is solvent-free, be used as clean fill or, if dewatered, as daily or intermediate landfill cover.

(6) Sump pumpings from an attended car wash bay that contain visible oil or grease may be landfarmed in accordance with applicable department rules at a licensed landfarm facility or, if dewatered, disposed of at a licensed Class II landfill with the operator's permission.

(7) Sump pumpings from an attended car wash bay that do not prohibit the use of chlorinated solvents must be handled in the same manner as an unattended car wash bay sump.

(8) Sump pumpings from an unattended car wash bay must be visually examined for oil and grease and screened for chlorinated solvents or the owner must provide the pumper with a statement concerning the solvent-free status of the material. Screening may be done with commercially available field kits and test strips.

(9) Sump pumpings from an unattended car wash bay that do not contain visible oil or grease and are known to be free of chlorinated solvents, either by testing or knowledge of the material, may be used as clean fill or, if dewatered, as daily or intermediate landfill cover.

(10) Sump pumpings from an unattended car wash bay that contain visible oil or grease, but pass the chlorinated solvent screening or are excluded from the screening requirement by the owner's knowledge of the material, may be landfarmed in accordance with applicable department rules at a licensed landfarm facility or, if dewatered, disposed of at a licensed Class II landfill with the landfill operator's permission.

(11) Sump pumpings that fail the chlorinated solvents screening test or cannot be excluded from the test by the owner's knowledge of the material, must be tested for volatile organic compounds (VOCs) by a method capable of detecting and quantifying at least one part per billion VOCs in the waste, screened for petroleum hydrocarbons by a method capable of detecting at least one part per million hydrocarbons, and tested for total chromium, lead, zinc, and cadmium content by a method capable of detecting and quantifying at least one part per million of each element. If free of contaminants above department action levels, the sump pumpings may be used as clean fill or, if dewatered, as daily or intermediate cover at landfills. If contamination is detected above action levels, the operator shall notify the department, and the department shall specify further testing requirements and waste disposal options.

(12) Wastes removed from unattended car wash sumps that must undergo further testing must be stored in a manner to prevent contamination of the environment until the operator receives testing results and disposes of the wastes. For example, storage may be in lined ponds, holding tanks, or concrete bins.

(13) A pumper shall retain all testing results for five years and make them available to the department upon request.

(14) Operators of facilities receiving sump waste may, before accepting waste, require additional testing. (History: 75-10-204, 75-10-1202, MCA; IMP, 75-10-112, 75-10-204, 75-10-1202, MCA; NEW, 2001 MAR p. 848, Eff. 5/25/01.)

17.50.815 GREASE TRAP WASTES (1) For the purpose of this rule, "grease interceptor" and "grease trap" mean grease trap. Oil/water separators at commercial and industrial facilities are not grease traps.

(2) Grease trap waste may not be discharged to a treatment works not specifically designed to manage the waste.

(3) Grease trap waste may be dewatered at a permitted wastewater treatment works designed in conformance with Circular DEQ 2, Design Standards for Wastewater Facilities, a solid waste management system licensed in conformance with Title 75, chapter 10, part 2, MCA, or at a land application site approved in conformance with this subchapter.

(4) A person licensed under this subchapter may dewater grease trap waste where the waste is produced. An owner or lessee of property from which grease trap waste is removed may dewater grease trap waste on property owned or leased by the owner or lessee if the property has an area greater than five acres and if the dewatering does not constitute a nuisance or public health hazard and is not harmful to human health or the environment.

(5) The water from a grease trap dewatering process is commercial wastewater. It may be discharged to an individual commercial wastewater treatment system or approved wastewater treatment facility. The water may be land-applied at an approved septage land application site.

(6) Dewatered grease trap waste may be disposed of at a licensed Class II solid waste management facility.

(7) Grease trap waste, dewatered or not, may be:

(a) composted at a licensed compost facility;

(b) treated at a rendering plant; or

(c) land-applied under the following conditions:

(i) in accordance with ARM 17.50.811(3)(a) or (b) for disposal of septage; or

(ii) in accordance with ARM 17.50.810 when special conditions exist.

(8) The department may approve other methods for handling grease trap waste on a case-by-case basis. A person may not dispose of grease trap waste other than by landfilling at a licensed solid waste management system, management in conformance with this rule, or disposal in a permitted treatment works unless the person has first submitted a written application to the department and received the department's written determination that the proposed disposal methods are at least as protective of human health and the environment as the requirements of this subchapter. (History: 75-10-1202, MCA; IMP, 75-10-1202, MCA; NEW, 2001 MAR p. 848, Eff. 5/25/01; AMD, 2004 MAR p. 2383, Eff. 10/8/04.)

17.50.816 PRIVY WASTE; PIT TOILET WASTE; PORTABLE TOILET WASTE; VESSEL PUMPOUT FACILITY WASTE; AND RECREATIONAL VEHICLE DUMP STATION WASTE (1) Vessel pumpout facility waste must be managed in accordance with 23-2-522(2), MCA, and rules adopted under that section, and must be disposed of by a licensed septic tank pumper.

(2) A person may not pump wastes from a recreational vehicle dump station not connected to an approved wastewater treatment facility unless the person is licensed under this subchapter.

(3) A person may not place privy waste, pit toilet waste, portable toilet waste, vessel pumpout facility waste or recreational vehicle waste in a wastewater treatment system with a cesspool.

(4) A person may not place privy waste, pit toilet waste, portable toilet waste, vessel pumpout facility waste or recreational vehicle waste in a wastewater treatment system with a septic tank, unless the septic tank and connected liquid treatment system was designed for this purpose by a professional engineer licensed to practice engineering in Montana.

(5) No person may land-apply privy waste, pit toilet waste, portable toilet waste, vessel pumpout facility waste or recreational vehicle waste unless the following conditions are met:

(a) pathogen reduction, vector attraction reduction, and site restriction criteria for disposal of septage are in accordance with ARM 17.50.811;

(b) the requirements of ARM 17.50.810 for special conditions have been met; and

(c) the wastes are screened or sorted before application, during application, or within six hours after application and before incorporation into the soil to remove large non-putrescible wastes. The non-putrescible wastes must be disposed of in a Class II solid waste management facility licensed in accordance with 75-10-221, MCA.

(6) The maximum annual application rate (AAR) for these wastes, in gallons/acre/year, is determined by the formula $AAR = N / 0.0052$, where N equals the amount of nitrogen in pounds per acre per 365-day period needed by the crop or other vegetation grown on the land. (History: 75-10-1202, MCA; IMP, 75-10-1202, MCA; NEW, 2001 MAR p. 848, Eff. 5/25/01.)

Rules 17.50.817 and 17.50.818 reserved

17.50.819 INCORPORATION BY REFERENCE AND AVAILABILITY OF REFERENCED DOCUMENTS (1) The department hereby adopts and incorporates by reference:

(a) Circular DEQ 2, Design Standards for Wastewater Facilities (1999 ed.), which sets forth design standards for wastewater facilities;

(b) Method 9095 (the Paint Filter Liquids Test) in Manual SW-846, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA (Update IIIA); and

(2) Copies of materials adopted and incorporated by reference in this subchapter may be obtained from the Community Services Bureau, Department of Environmental Quality, P.O. Box 200901, Helena, MT 59620-0901, phone: (406) 444-4400.

(3) Copies of sections of the Code of Federal Regulations (CFR) cited in this subchapter and Method 9095 (the Paint Filter Liquids Test) in Manual SW-846 also may be obtained from the Superintendent of Documents, US Government Printing Office, Washington, DC 20402; or from the Environmental Protection Agency's internet website at <http://www.epa.gov>. (History: 75-10-1202, MCA; IMP, 75-10-1202, MCA; NEW, 2001 MAR p. 848, Eff. 5/25/01.)

17.50.820 LICENSE DENIAL OR REVOCATION; APPEAL

(1) Pursuant to 75-10-1221, MCA, the department may issue an order denying or revoking a license. The department shall serve written notice of an order of denial or revocation, by certified mail, on the applicant or licensee or the agent of the applicant or licensee. The notice must contain the finding required in 75-10-1221, MCA. Service is complete on the date of mailing.

(2) An order denying or revoking a license becomes final 30 days after service unless, within that time, the applicant or licensee requests a contested case hearing before the board. (History: 75-10-1202, MCA; IMP, 75-10-1221, MCA; NEW, 2001 MAR p. 848, Eff. 5/25/01.)

